and

DECLARATORY RESOLUTION NO. R- $\frac{16-97}{7}$

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3426 Wells Street, Fort Wayne, Indiana 46808 (Edv's Grand Ice Cream)

WHEREAS, Petitioner has duly filed its petition dated March 17, 1997 to have the following described property designated and declared an "Economic Revitalization Area" under Section 153.02 of the Municipal Code of the City of Fort Wayne, Indiana, of 1993, as amended, and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein;

WHEREAS, said project will create 15 full-time, permanent jobs for a total new, annual payroll of \$464,655, with the average new annual job salary being \$30,977 and retain 219 full-time, permanent jobs for a total current annual payroll of \$6,738,936, with the average current, annual job salary being \$30,977; and

WHEREAS, the total estimated project cost is \$13,976,989; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization

Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2005.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of

new manufacturing equipment, all contained in Petitioner's Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$9.0733/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$9.0733/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$9.0733/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$9.0733/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$9.0733/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$9.0733/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the new manufacturing equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

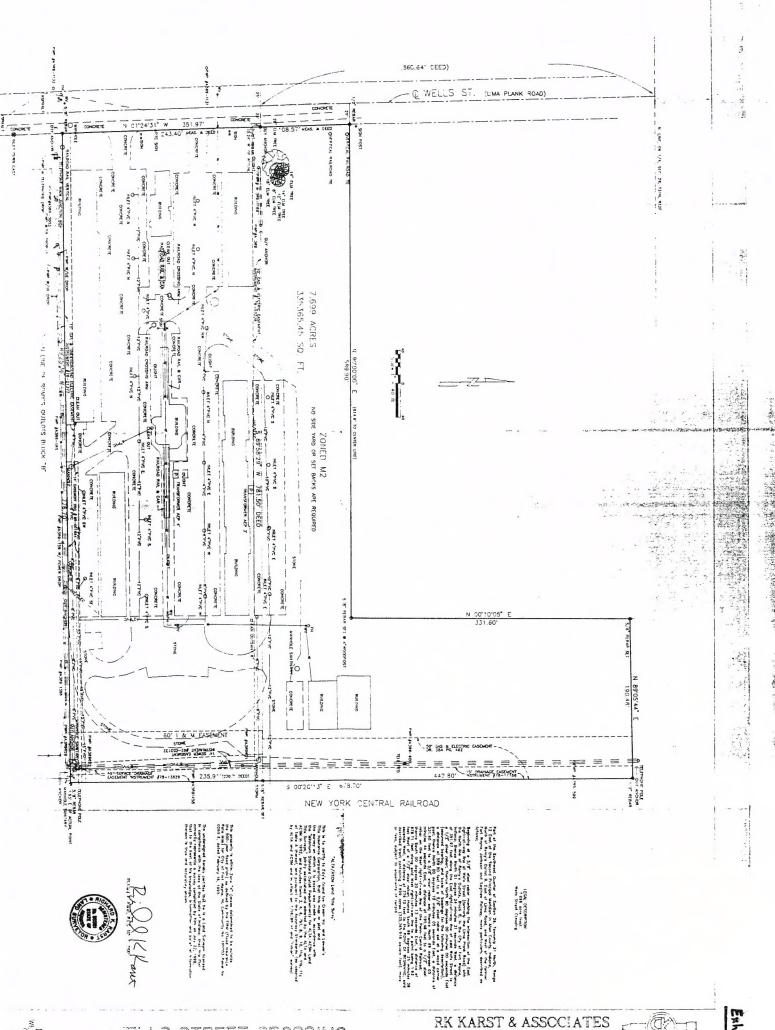
SECTION 9. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

J. Timothy McCaulay, City Attorney

and Public Hearing to	ad the second time by , (a be held after due le y Building, Fort Wayne	nd the City Play	n Commission for	recommendation)
theo'clock	day of M.,E.S.T.	, Illuralia, oli _	, 19 <u>,</u> at	,
	_	Le	1.18	
DATED:	3-25-47	SANDRA E. KENN	NEDY, CITY CLERK	formed
0			0	1.13
and duly adopted, pla	ne third time in full acced on its passage.	and on motion by PASSED	1981	gora,
by the following vote	2:			
	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	_8_			1
	9			
BENDER				
CRAWFORD				
EDMONDS				
HALL				
HAYHURST				
HENRY	~			
LUNSEY				
RAVINE				
SCHMIDT				
	3-25-97		1. 1. 2	U,
DATED:_	O 93-11	SANDRA F. KENNE	EDY, CITY CLERK	Jennede
Passad	and adopted by the Com			Variation .
	(APPROPRIATION)	(GENERAL)	(A) 1	
•	1	LUTION NO	9-16-9	/
the 25th	day of	Marc	<u>,</u> 1	9 97
1. 8	ATTEST:	SEAL		
kendead 6.	ATTEST: Franchy Y CLERK			,) _
NDRA E. KENNEDY, CIT	Y CLERK	PRESIDING OFFIC	ER .	Leny
Presente	d by me to the Mayor o	of the City of F	ort Wayne, India	na, on the
26 Th	day of Ma	rch	<u>, 19</u> 97	3
t the hour of	11:30 ,0	clock - Co.	, M. , 2.S.T.	11.
-		Dank	6. 1	Gennedy
		SANDRA E. KENNE	DY, CITY CLERK	
Approved	and signed by me this		274	day
March	<u>,</u> 19 	at the hour of	2:00	
•	,E.S.T.	0		
	,	Υ		
		1_11	LLL	
		PAUL HELMKE, MA'	YOR	



ELLS STREET

ALTA SURVEY

CROSSING

725 FULTON STREET FORT WAYNE, IN. 46802

PHONE # (219) 426-3336

Enhibit A

PAGE

OF

STATEMENT OF BENEFITS

State Form 27167 (R5 / 11-95) Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989 CITY OF FT WAYNE

MAR 1 7 1997

FORM SB-1

- INSTRUCTIONS:

 1. This statement must be submitted to the body designating the economic revitilization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization area. Otherwise this statement must be submitted. to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.
- To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessmer is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment becomes assessable, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991 must submit Form CF 1 annually to show compliance with the Statemen of Benefits. (IC 6-1.1-12.1-5.6)

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer	
Edy's Grand Ice Cream	
Address of taxpayer (street and number, city, state and ZIP code)	
3426 Wells Street	
Fort Wayne, Allen County 46808	
Name of contact person	Telephone number
Matt Currie	(219) 482-6132

SECTION 2 LOCATION AND DESCRIPTION OF PR	OPOSED PROJECT		
Name of designating body		Resolution number	
FORT WAYNE COMMON COUNCIL		R -	
Location of property 3426 Wells St. and property previously Country	nty	Taxing district	
known as Wells Street Crossing A	llen	80	
Description of real property improvements and / or new manufacturing equipment (use additional sheets if necessary) Expansion of frozen warehouse, shipping and receiving, office space, meeting/welfar		EST	IMATED
shipping and receiving, office space, meeting/welfare		Start Date	Completion Date
areas and parking. The company will purchase new freezers, hardners, refrigeration equipment and palletizing equipment. New landscaping will be included	Deal Catal	5/1/97	12/31/2005
etizing equipment. New landscaping will be included	New Mfg Equipment	5/1/97	12/31/2000

SECTION 3	ESTIMATE OF	EMPLOYEES AND SALA	RIES AS RESULT OF PRO	POSED PROJECT	
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
219	\$6,783,936	219	\$6,783,936	15	\$464,655

SECTION 4 ESTIMATION OF SECTION 4 ESTIMATION (a) (b) (c) the	Real Estate	and the second s	Ma	chinery
COST of the property is confidential.	Cost	Assessed Value	Cost	Assessed Value
Current values	_	-	-	-
Plus estimated values of proposed project	8,545,711	2,848,570	5,431,278	1,810,426
Less values of any property being replaced	-	-	_	_
Net estimated values upon completion of project	8,545,711	2,848,570	5,431,278	1,810,426

annual account and a second and
nazardous waste converted (pounds)
gement and construction. Dramatically

SECTION 6	TAXPAYER CERTIFICATION	
I hereby certify that	the representations in this statement are true	
Signature of authorized representative	Title	Date signed (month, day, year)
MXC	Controller	3/14/97

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.	
A. The designated area has been limited to a period of time not to exceed calendar years * (see below). The date this designation expires is calendar years * (see below).	
B. The type of deduction that is allowed in the designated area is limited to: 1. Redevelopment or rehabilitation of real estate improvements; 2. Installation of new manufacturing equipment; 3. Residentially distressed areas	
C. The amount of deduction applicable for new manufacturing equipment is limited to \$ cost with an assessed value of \$ N/A	
D. The amount of deduction applicable to redevelopment or rehabilitation is limited to \$ cost with an assessed value of \$ N / A	
E. Other limitations or conditions (specify) N/A	
F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for: 5 years 10 years The deduction period will be five (5) years unless the designating body has by resolution specified the ten (10) year period.	
Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.	
pproved: (signature and title of authorized member Cuneid Pesident Telephone number Date signed (month, day, year)	
1/219 427-1221 3-25-87	
Senteal E. Kennedy Control Common Council	
* If the designating body limits the time period during which an area is an economic revitilization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: (see tables below)	

NEW MANUFACTURING EQUIPMENT				
For Deductions Allowed Over A Period Of:				
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage		
1st	100%	100%		
2nd	95%	95%		
3rd	80%	90%		
4th	65%	85%		
5th	50%	80%		
6th		70%		
. 7th		55%		
8th		40%		
9th		30%		
10th		25%		

	REDEVELOPMENT OF REAL PROPERT	TY IMPROVEMENT	
	For Deductions Allow	ed Over A Period O	
Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

CITY OF FT WAYNE

MAR 17 1997

FOR STAFF USE ONL	y. 1
Declaratory Passed	13 25 1991.
Confirmatory Passed	4 8 1997
2 7 FT Jobs Currently	
PT Jobs Currently	y
S 30,977 Current	t Average Annual Salary

DEPT. OF ECON: DEVL.

15 FT Jobs to be Created PT Jobs to be Created PT Jobs to be Created S 30,977 Avg Annual Salary of all New Jobs 218 FT Jobs to be Retained PT Jobs to be Retained S 30,977 Avg Annual Salary of all Retained Jobs

ECONOMIC REVITALIZATION AREA APPLICATION CITY OF FORT WAYNE, INDIANA

(A)80-3791-0030
APPLICATION IS FOR: Real estate key no(<u>A</u>) 80-0026-0 (B) 80-0026-0027
(Check appropriate box[es] below) Real Estate Improvements
TOTAL OF ABOVE IMPROVEMENTS:\$13,976,9
OTE: (A) Pertains to current Edy's facility. (B) Pertains to Wells Street Crossing land.
GENERAL INFORMATION
Taxpayer's name: Edy's Grand Ice Cream Telephone: (219) 483-3102
Address listed on tax bill: 3426 Wells Street, Fort Wayne, Indiana 46808-4001
Name of applicant's business: Edy's Grand Ice Cream
Name of business to be designated, if applicable: Not applicable
DRA: Not applicable
Address of property to be designated: 3426 Wells Street and property formally known as Wells Street Crossing
Contact person if other than above: Name: Matt Currie Telephone: (219) 482-6
Address: 3426 Wells Street, Fort Wayne, Indiana 46808-4001
☑ Yes ☐ No Is the property for which you are requesting ERA designation totally within the corporate limits of the
☐ Yes ☒ No ☐ You plan to request state or local assistance to finance public improvements? ☐ Yes ☒ No ☐ Will the proposed project have any adverse environmental impact?
Describe: Not applicable
Describe the product or service to be produced or offered at the project site? Manufacture of frozen dessert
including ice cream and frozen yogurt.

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

The property is within Fort Wayne city limits. The property is economically and

technologically obsolete because it has land locked limitations, stopping the growth of business.

REAL ESTATE ABATEMENT

Complete this section of the application only if requesting a deduction from assessed value for real estate improvements.
Describe any structure(s) that is/are currently on the property: (A) 126,000 square foot manufacturing plant
and office space. (B) Six (6) old, detached buildings used as a strip mall.
Describe the condition of the structure(s) listed above: (A) Good (B) Older and deteriorating.
Describe improvements to be made to property to be designated: Addition of 90,000 square feet with
12,000 square feet of office space expansion, contiguous to the current Edy's plant.
Projected construction start (month/year):
Projected construction completion (month/year): 12/31/2005 (A) \$910,930
Current land assessment: \$ (B) \$39,090
Current real estate assessment: \$\(\begin{array}{c} \begin{array}{c} \begi
What is the anticipated first year tax savings attributable to this designation? \$ \$_\$184,351
How will you use these tax savings? The tax savings will be used to fund a portion of the project,
making the entire project feasible within Fort Wayne city limits.

PERSONAL PROPERTY ABATEMENT

Complete this section of the application only if you are requesting a deduction from the assessed value of new manufacturing equipment.

List below the manufacturing equipment for which you are seeking an ERA designation. This equipment must be used in
the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other
tangible personal property at the site to be designated: Sugar liquification, freezers, palletizing
equipment, hardner, waste reclaim system, flavor tanks, Wonderware equipment
☐ Yes ☐ No Has the above equipment for which you are seeking a designation, ever before been used for any purpose in Indiana?
Equipment purchase date: 5/97 Equipment installation date: 12/2000 (A) \$190,994
Current personal property tax assessment: \$(B) - Annual personal property tax bill: \$(B) -
What is the anticipated first year tax savings attributable to this designation? \$ \$66,952
How will you use these tax savings? The tax savings will be used to fund a portion of the
purchase price and implementation cost of this specific equipment.
Purchase Programmes and Programmes a

PUBLIC BENEFIT INFORMATION

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED FORT WAYNE FACILITY TO RECEIVE E.R.A. DESIGNATION					
	NO. OF EMPLOYEES'	TOTAL ANNUAL PAYROLL ²	AVERAGE ANNUAL SALARY		
CURRENT NUMBER FULL- TIME	219	\$6,783,936	\$30,977		
CURRENT NUMBER PART- TIME	- .				
NUMBER RETAINED FULL- TIME	219	\$6,783,936	\$30 , 977		
NUMBER RETAINED PART- TIME	-				
NUMBER ADDITIONAL FULL- TIME	15	\$464,655	\$30,977		
NUMBER ADDITIONAL PART- TIME					

Check the boxes below if the jobs to be created will provide the listed benefits:

🗷 Pension Plan

🛮 Major Medical Plan

☑ Disability Insurance

☑ Tuition Reimbursement

□ Life Insurance

Dental Insurance

List any benefits not mentioned above: Vision Plan, Matching 401K, Incentive (monthly)

When will you reach the levels of employment shown above? (Year and month) 12/2000

Types of jobs to be created as a result of this project? Warehouse workers, production workers

Sum of full- and part-time must match the figures given in Section 3 of "Statement of Benefits" Form SB-1 under "Current number", "Number retained", and "Number additional".

²It is to include your total annual payroll.

Total annual payroll divided by the total number of employees at site to be designated both full- and part-time).

REQUIRED ATTACHMENTS

The following must be attached to the application.

- 1. Full legal description of property. (Property tax bill legal descriptions are not sufficient.)
 Should be marked as Exhibit A.
- 2. Check for application fee made payable to the <u>City of Fort Wayne</u>.

Project Cost		<u>Fee</u>
\$0 to 250,000	-	\$ 500
\$250,001 to 1,000,000		\$ 700
\$1,000,001 and over		\$1,000

3. Owner's Certificate (if applicant is not the owner of property to be designated). Should be marked as Exhibit B if applicable.

I hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that no building permit has been issued for construction of improvements, nor has any manufacturing equipment which is a part of this application been purchased and installed as of the date of filing of this application. I understand that any incorrect information on this application may result in a recession of any tax abatements which I may receive. I understand that I must file a correctly completed CF-1 (Compliance With Statement of Benefits Form) with BOTH the City of Fort Wayne Department of Economic Development, AND the County Auditor within 60 days of the end of each year in which I receive deduction. Failure to file the CF-1 with either agency may result in a recision of any tax abatement occurring as a result of this application.

Signature of Applicant

Date

Michael N. Meredith, Plant Manager

Typed Name and Title of Applicant



MEMORANDUM

TO:

Common Council Members

FROM:

Staci Walter

Economic Development Specialist, Department of Economic Development

DATE:

March 17, 1997

SUBJECT:

Real and Personal Property Tax Abatement Application dated March 17, 1997 for Edy's

Grand Ice Cream

Address: 3426 Wells Street, Fort Wayne, Indiana 46808-4001

Background

Description of Product or Service Provided by Company:

Edy's Grand Ice Cream manufactures frozen deserts including ice cream and frozen yogurt.

Description of Project:

Edy's will add 90,000 square feet to their exising facility, as well as a 12,000 square foot office facility.

Total Project Cost:	\$13,976,989	Number of Full Time Jobs Created:	15
Councilmanic District:	3	Number of Part Time Jobs Created:	0
Existing Zoning of Site:	M-2	Average Annual Wage of Jobs Created:	\$30,977
		Number of Full Time Jobs Retained:	219
		Number of Part Time Jobs Retained:	0
		Average Annual Wage of Jobs Retained:	\$30,977

Project is Located Within a:

Designated Downtown Area:	Yes ☐ No ☒	Redevelopment Area:	Yes ☐ No 🏻
0		•	
Urban Enterprise Area:	Yes □ No 🖾	Platted Industrial Park:	Yes ☐ No 🖂

Effect of Passage of Tax Abatement

Creation of 15 additional jobs with benefits.

Effect of Non-Passage of Tax Abatement

Loss of 15 additional jobs with benefits

Staff Recommendation

Per the established policy of the Department of Economic Development, the following recommendations are made:

- 1. Designation as an "Economic Revitalization Area" should be granted.
- 2. Designation will terminate on December 31, 2005.
- 3. The period of deduction for real property should be limited to ten years.
- 4. The period of deduction for personal property should be limited to a five years.

Signed: Stace Walter
Economic Development Specialist

Signed: Clipbeth a. New Director

Comments:

Admn.	Appr
-------	------

DIGEST SHEET

TITLE OF ORDINANCE Declaratory Resolution
DEPARTMENT REQUESTING ORDINANCE Department of Economic Development
SYNOPSIS OF ORDINANCE Edy's Grand Ice Cream is requesting the approval of an Economic Revitalization Area for both real and personal property improvements in the amount of \$13,976,989. In order to expand, Edy's will add 90,000 square feet to their existing facility, as well as a 12,000 square foot office facility.
EFFECT OF PASSAGE Creation of 15 full-time jobs with benefits.
EFFECT OF NON-PASSAGE Loss of 15 full-time jobs with benefits.
MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) No expenditure of public money will be involved.
ASSIGNED TO COMMITTEE (PRESIDENT) Thomas Henry

BILL NO) .	R-97-03-15	

REPORT OF THE COMMITTEE ON FINANCE

JOHN N. CRAWFORD - DONALD J. SCHMIDT - CO-CHAIR ALL COUNCIL MEMBERS

WE,	YOUR COMM	ITTEE ON	FINAN	CE		TO	MHOM
WAS	REFERRED	AN (XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	(RESC	LUTION)	<u>designa</u>	ting an	
	commonly	Revitalization Are known as 3426 Wells	ea" under	1.C. 6-1	.1-12.1 for	r property	
	(Edv's Gra	and Ice Cream)	street,	rort Way	ne, Indiana	a 46808	
	(24) 5 414	ind rec or eam)					
HAV	E HAD SAID	XXXXXXXXXXXXO)	(RESOLU	TION)	UNDER COI	NSIDERATIO	N
AND	BEG LEAVE	TO REPORT BACK	TO THE				-
(OR)	DI XXXXXXXX X	(RESOLUTION)_					
DO 1	D3 GG =	DO NOM D	3	70.0	זרווא דאד	NO DEC	4
DO 1	ASS	DO NOT P	<u>ASS</u>	ABS	<u>STAIN</u>	NO REC	_
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DATED: 3-25-97